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Testimony Before The Senate Appropriations

Labor, HHS, and Education Subcommittee

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Thank you Mr. Chairman and members of the Subcommittee for the opportunity to testify on this very important issue.

We are here today to discuss some of the issues that have been raised regarding federal funding of human embryonic stem cell research. My position is that federally funded human embryonic stem cell research is illegal, immoral and unnecessary.

As this subcommittee is well aware, Congress outlawed federal funding for harmful embryo research in 1996 and has maintained that prohibition ever since. The ban is broad-based and specific; funds cannot be used for “research in which a human embryo or embryos are destroyed, discarded or knowingly subjected to risk of injury or death.” The intent of Congress is clear—if a research project requires the destruction of human embryos no federal funds should be used for that project.

NIH recently published its proposed guidelines to circumvent this language.

Marcy Wilder, former Legal Director of the National Abortion Rights Action League, and now Associate General Counsel at the Department of Health and Human Services wrote a legal opinion that sought to justify the research being proposed by the NIH. Yet despite the fig leaf of the HHS legal opinion, the fact remains that this research is illegal. It is illegal for this reason: the deliberate killing of a human embryo is an essential component of the contemplated research; and without the destruction of the embryo the proposed research would be impossible.

Despite the legal sophistry of HHS, this is a point that is not lost on the National Bioethics Advisory Commission. Although their conclusions are wrong, NBAC observes in their recommendation to the President the inconsistency of the HHS legal opinion and the NIH recommendations. Accordingly, NBAC recommends an approach that is at once both more honest – and more heinous.

Which brings us to a discussion of the morality of this research.

The NBAC position is given legislative form in Senate Bill 2015. S. 2015, currently referred to the Health Education Labor and Pensions Committee, on which I sit would, among other and perhaps more serious policy changes, constitute a lifting of the ban on human embryo research.

In brief, the “Stem Cell Research Act of 2000” seeks to allow federal funding for researchers to kill living human embryos.

Under this bill federal researchers would be allowed to obtain their own supply of living human

embryos, which they would then be allowed to kill for research purposes.

The very act of harvesting cells from live human embryos results in the death of the embryo. Therefore, if enacted, this bill would result in the deliberate destruction of human embryos.

This bill even violates current federal policy on fetal tissue, which allows harvesting of tissue only after an abortion was performed for other reasons and the unborn child is already dead. Under this bill, the federal government will use tax dollars to kill live embryos for the immediate and direct purpose of using their parts for research.

Taxpayer funding of this research is problematic for a variety of reasons. First among those concerns is that, if Congress were to approve S. 2015, it would officially declare for the first time in our nation's history that government may exploit and destroy human life for its own, or somebody else's purposes.

This research is also problematic because it would use federal tax dollars to allow the government to procure, and therefore "own," a vast supply of living human embryos. The notion of "ownership," particularly by the Federal government, of other human beings is deeply disturbing.

The bill even allows federal funding for destructive research using embryos created by cloning, so long as this does not result in "the *reproductive* cloning of a human being." On the one hand, this is an attempt to authorize the critical issue of human cloning by stealth; when what is really needed is the continuation of the full public debate. On the other hand, this approach recognizes that for the purposes of possible clinical applications, particularly to avoid possible tissue rejection, human cloning is the logical next step -- or so-called, "therapeutic cloning." This means that live embryos created by researchers can be experimented on and destroyed, but allowing them to survive to live birth is prohibited. The bill defines a new class of human beings who, under the law, will simply not be allowed to live.

History has already taught us the lessons of separating human beings into different classes. The Dred Scott case held that African-Americans, "had no rights which the white man was bound to respect." Today, 143 years later, it is precisely this same argument which is now being used to legitimate the destruction of human embryos. It is the contention of S. 2015, as well as the NIH, that human embryos do not have rights which people, already born, are bound to respect.

Human embryonic stem cell research is also unnecessary.

There are legitimate areas of research which are showing more promise than embryonic stem cell research and which do not create moral and ethical difficulties. Dr. Frank Young, former FDA commissioner, under Ronald Reagan has detailed some of the alternatives in his testimony which you will hear later.

In the past, Congress has increased funding for NIH. New advances in adult stem cell research, being reported almost weekly, show more promise than destructive embryo research.

Just this past February, writing in the journal *Neuron*, scientists at Children's Hospital in Boston announced that they successfully generated new brain cells in birds using adult neural stem cells (MSNBC, Feb. 23).

Also, writing in the March 2000 issue of Nature Medicine, University of Florida scientists reported that they reversed insulin-dependent diabetes in mice by using adult pancreatic stem cells. “The next step is take this into humans,” they say. They add that they have extracted and cultured viable brain stem cells from the hippocampus of eight living human patients undergoing surgery for other reasons (Reuters, February 28).

Writing in the March 17 issue of Science, University of Toronto researchers reported that they found retinal stem cells in the eyes of adult mice, cows and humans and have shown that they can be used to produce new neurons, presenting the prospect of repairing or regenerating damaged retinas and restoring sight (UniSci, March 17).

In April, Dr. Karen Aboody and colleagues at Children’s Hospital in Boston report at a meeting of the American Association of Neurological Surgeons in San Francisco that they can use adult neural stem cells to target brain tumors in mice. The cells could be used to reduce or kill the tumors, by delivering new genes or carrying cancer drugs to where they are needed (Reuters, April 10).

Clearly we must continue to fight to help cure disease and to alleviate suffering. However, it is never acceptable to deliberately kill one innocent human being in order to help another. When did it become acceptable to use an evil means to pursue a good end, even a great one? Doesn’t the so-called good end actually become bad by using bad means? If we manage the cure of some diseases and the betterment of some aspects of bodily health by means that involve the killing of the most defenseless and innocent of human beings, we will rightfully be judged harshly by history as having sought some benefits at the expense of our humanity and moral being. The twentieth century has already taught these lessons – are we to ignore them at the beginning of this century? Or, to put it another way, as George Santayana once said, “Those who cannot remember the past are condemned to repeat it.”

Thank you, Mr. Chairman.